



NATIONAL AUTOMOBILE DEALERS ASSOCIATION  
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Legal & Regulatory Group

July 29, 2005

**Via E-Mail**

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Room TW-B204  
Washington, D.C. 20580

Re: CG Docket No. 02-278, DA 05-1346

Dear Sir/Madam:

The National Automobile Dealers Association (“NADA”) submits the following comments in response to the petition for declaratory ruling filed by 33 organizations engaged in interstate telemarketing activities (“Joint Petitioners”) asking the Federal Communications Commission (“FCC” or the “Commission”) to issue a ruling declaring the Commission’s exclusive regulatory jurisdiction over interstate telemarketing calls and barring state regulation of such calls. 70 Fed. Reg. 37,317 – 37,318 (June 29, 2005).

NADA represents approximately 20,000 franchised automobile and truck dealers who sell new and used vehicles and engage in service, repair and parts sales. Our members employ more than 1.3 million people nationwide. A significant number of our members are small businesses as defined by the Small Business Administration.

NADA supports the Joint Petitioner’s request since uniform national telemarketing standards are essential to eliminating more burdensome state restrictions that currently extend to businesses well beyond their borders. Like other retail establishments, many automobile dealerships are located in metropolitan areas that encompass more than one state. As a result, consumers residing in such metropolitan areas frequently cross state lines to make retail purchases. For example, the Washington DC metro area includes the states of Maryland and Virginia, in addition to the District. Automobile dealers frequently serve consumers

that live in neighboring states and may contact their customers after a vehicle purchase, which they are permitted to do for a limited time under federal telemarketing laws. Having to comply with a patchwork of more restrictive telemarketing standards for transactions that do not even occur in the consumer's state interrupts the flow of interstate commerce and impermissibly increases regulatory compliance costs for small businesses. Many of these businesses lack the appropriate in-house expertise and resources to develop the necessary compliance solutions for implementing multi-state regulatory standards and consequently must rely on costly vendor compliance products. We agree with the petition's assertion that in the Telephone Consumer Protection Act, Congress sought to "establish uniform national standards that balance the concerns of consumers with the legitimate interest of telemarketers."<sup>1</sup> Thus, appropriate regulatory standards for interstate telemarketing calls should be established at the federal level to limit contradicting state regulations and reduce compliance burdens.

NADA appreciates the opportunity to comment on this matter.

Sincerely,

Smitha Koppuzha  
Staff Attorney

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<sup>1</sup> 70 Fed. Reg. 37,318